

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CHRISTOPHER CHASE,

Petitioner,

v.

No. CIV 08-377 JCH/ACT

**DEPARTMENT OF CORRECTIONS OF
THE STATE OF NEW MEXICO AND THE
NEW MEXICO ATTORNEY GENERAL,
GARY K. KING,**

Respondents.

ORDER

THIS MATTER comes before the Court on the Proposed Findings and Recommended Disposition of the United States Magistrate Judge entered May 21, 2009. [Doc. No. 53]. On June 4, 2009, Petitioner filed a Notice of Appeal [Doc. No. 55], and on June 11, 2009, Petitioner filed an Application for Certificate of Appealability. [Doc. No. 54]. On July 2, 2009, the Magistrate Judge entered an Order requiring the Petitioner to either file a request that the Court treat his Notice and Application as objections to the Proposed Findings or to file his objections to the Proposed Findings. [Doc. No. 57]. On July 16, 2009, Petitioner filed a request that the Court treat his Notice of Appeal and Application for Certificate of Appealability as objections to the Proposed Findings. [Doc. No. 58]. The Court has reviewed Petitioner's objections to the Proposed Findings and Recommended Disposition and find that they are without merit.

IT IS THEREFORE ORDERED that the Proposed Findings and Recommended Disposition of the United States Magistrate Judge are adopted by the Court.

IT IS FURTHER ORDERED that Petitioner's Application for Writ of Habeas Corpus

Pursuant to 28 U.S.C. §2254 by a Person in State Custody filed April 9, 2008 is dismissed with prejudice.


UNITED STATES DISTRICT JUDGE